RS 56:1856

PART II. NATURAL AND SCENIC RIVERS SYSTEM

§1840. Short title

This Part shall be known and may be cited as the "Louisiana Scenic Rivers Act". Acts 1988, No. 947, §1, eff. July 27, 1988.

§1841. Policies; purposes

- A. The Legislature of Louisiana hereby finds that there exist in Louisiana many unique and diverse free-flowing rivers, streams, and bayous which should be preserved, protected, and enhanced for the present and future benefit of Louisiana citizens. In order to assist in fulfilling its duties to protect, conserve, and replenish the natural resources of this state in accordance with Louisiana Constitution Article IX, Section 1, the legislature does hereby establish the Louisiana Natural and Scenic Rivers System.
- B.(1) This system shall be administered for the purposes of preserving, protecting, developing, reclaiming, and enhancing the wilderness qualities, scenic beauties, and ecological regime of certain free-flowing streams or segments thereof.
- (2) This system shall further be administered for the purpose of preserving aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources found along these streams or segments thereof.

Acts 1970, No. 398, §1; Acts 1981, No. 736, §1; Acts 1982, No. 267, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1842. Definitions

Unless otherwise indicated herein, the terms used in this Part shall mean the following:

- (1) "System" means the Louisiana Natural and Scenic Rivers System.
- (2) "Administrator" means the secretary of the Department of Wildlife and Fisheries.
- (3) "Natural and scenic river" means a river, stream, or bayou or segment thereof that has been designated as part of the Louisiana Natural and Scenic Rivers System in accordance with the provisions of this Part and the rules and regulations adopted pursuant thereto.
- (4) "Scenic servitude" means a contract between the adjacent riparian landowner and the system administrator which shall be in the nature of a development agreement for the purpose of preserving the natural state of the landscape through mutual agreement on the activities which might affect the natural landscape.

- (5) "Surface servitude" means a contract between the stream owner and the system administrator which shall relieve the landowner of liabilities and assure the public of access and use of the stream surface.
- (6) "Channelization" means the practice of changing a natural stream, or segment thereof, into a man-made ditch or canal with channels of a relatively uniform width and depth usually necessitating the removal of trees and other woody vegetation adjacent to the stream and constructed for the purpose of accelerating runoff.
- (7) "Clearing and snagging" means the practice of removing most obstructions, trees, snags, and other impediments that retard the natural stream flow.
- (8) "Channel realignment" means the practice by which dredging, ditching, or other means are used to shorten or reroute the natural stream course.
- (9) "Historic and scenic river" means a river, stream, or bayou or segment thereof which because of its unique historical status and scenic character requires protection and preservation of its aesthetic, scenic, recreation, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features.
- (10) "Reservoir construction" means any permanent dam or impoundment which alters the shoreline of a natural and scenic river.
- (11) "River" includes rivers, streams, bayous, and segments thereof and their waters and generally those bodies of water having the characteristics of rivers, streams, and bayous.
- (12) "Normal activities" means those activities on lands that do not directly and significantly degrade the ecological integrity of a natural and scenic river.

Added by Acts 1970, No. 398, §1. Amended by Acts 1981, No. 736, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1843. Administrator; duties and powers

- A. The administrator of this system shall be the secretary of the Department of Wildlife and Fisheries. Neither the administrator nor any state official shall take action to have any stream or river within this system included in the national Wild and Scenic River System without prior approval of the legislature.
- B. The administrator shall administer the system in accordance with the policies, purposes, and requirements of this Part and shall have the authority to:
- (1) Adopt such rules, regulations, standards, and criteria as are necessary to implement the provisions of this Part, in accordance with R.S. 49:950 et seq.
- (2) Accept donations and grants for the purposes of this Part from public and private sources.
- (3) Grant or deny permits and the renewal thereof. Prior to taking such action the administrator shall consider the history of violations and compliances of

the applicant. The duration of any permit or renewal thereof shall be determined by the administrator and be stipulated within the permit.

- (4) Revoke, suspend, annul, and withdraw any permit for the violation of any provision of this Part, any rule adopted pursuant thereto, any legal order of the administrator, or any order of a court acting pursuant to this Part. Prior to taking such action the administrator shall consider the history of violations and compliances of the permittee and the economic benefits realized through the violation.
- (5) Recommend to the legislature rivers for designation as a natural and scenic river and inclusion within the Louisiana natural and scenic rivers system.
- (6) Delegate powers and duties provided by this Part to appropriate personnel within the department.
- (7) Enter into scenic and surface servitude agreements with landowners for the purposes of this Part.

Added by Acts 1970, No. 398, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1844. Scenic Rivers Fund

- A. All donations, penalties, and permit fees collected pursuant to the provisions of this Part shall be deposited immediately upon receipt into the state treasury.
- B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required in Subsection A hereof and monies appropriated by the legislature shall be credited to a special fund hereby created in the state treasury to be known as the "Scenic Rivers Fund". The monies in this fund shall be used solely as provided in Subsection C hereof and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be placed in the state general fund.
- C. The monies in the Scenic Rivers Fund shall be used by the administrator solely for acquisition of servitudes, education, and the monitoring and enforcement of the provisions of this Part and any permits issued pursuant thereto.
- D. The administrator shall, by rule, adopt a schedule of fees to be charged for the issuance of permits and renewals.

Added by Acts 1970, No. 398, §1; Acts 1987, No. 606, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

- §1845. Nomination, recommendation, designation, and declassification of natural and scenic rivers; legislative funding
 - A. Any river in this state may be nominated for inclusion in or declassification from the Louisiana natural and scenic rivers system only by concurrent resolution adopted by the legislature.
 - B. The administrator shall undertake a continuing study and shall make recommendations to the legislature regarding any river nominated for inclusion in or declassification from the system. Such recommendation for inclusion shall be made no sooner than eight months from the nomination of a river and only subsequent to the evaluation and procedures provided for in this Section. The administrator shall consider the following and other appropriate criteria in preparing the written evaluation and making the recommendation:
 - (1) The river is free-flowing, has not been channelized, cleared and snagged within the past twenty-five years, realigned, inundated, or otherwise altered and has a shoreline covered by native vegetation and has no or few man-made structures along its banks.
 - (2) The scene as viewed from the river is pleasing, whether primitive or rural-pastoral, or these conditions are restorable.
 - (3) The river and its setting possess natural and recreational values of outstanding quality.
 - (4) The river and its setting are large enough to sustain substantial recreational use and to accommodate existing uses without undue impairment of the natural values of the resource or quality of the recreation experience.
 - (5) The river will provide present and future benefits to Louisiana citizens through preserving, protecting, and enhancing its wilderness qualities, scenic beauties, and ecological regimes and its aesthetic, scenic, recreational, fish, wildlife, ecological, archaeological, geological, botanical, and other natural and physical features and resources found along the river and adjacent lands.
 - (6) The existing uses of adjacent lands and the economic impact of such usages.
 - (7) Determination of state ownership of the bed of the river.
 - C. Prior to any such recommendation each river nominated for inclusion in or declassification from the system shall be evaluated by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the evaluation. The recommendation shall be in the form of a written report, shall include the evaluation, and shall be part of the record of the decision regarding the proposed recommendation. The report shall include an evaluation of the criteria provided for in this Section and other such matters specified by the administrator. The administrator shall give the evaluation substantial weight in making the recommendation. The administrator shall file the report with the natural resources committees of the legislature and provide copies to the division of administration, the Department of Environmental Quality, the Department of Culture, Recreation and Tourism, and the governing authorities of those parishes through which the river flows.
 - D. Prior to any such recommendation and as part of the evaluation process, the administrator shall hold not less than one public hearing to receive comments and

recommendations from all interested parties and the public. There shall be at least one public hearing in the vicinity of the river nominated for inclusion in or declassification from the system. The administrator shall, not less than thirty days prior to any hearing, publish a notice of the hearing in the official journal of the state and of each parish through which the river flows and notify each parish governing authority by letter to its chief executive officer. The administrator shall give notice to all interested parties, including adjacent landowners. Any recommendation for or against declassification from the system shall be made within one hundred twenty days from date of nomination.

E. The legislature may, by law, designate as a natural and scenic river any river recommended by the administrator for inclusion within the system. The legislature may, by law, declassify any river whether or not recommended by the administrator for declassification as a natural and scenic river. The legislature may appropriate sufficient monies to fund the cost of evaluating those rivers nominated to be natural and scenic rivers, or those rivers nominated for declassification.

Added by Acts 1970, No. 398, §1; Amended by Acts 1981, No. 837, §3; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 258, §1, eff. July 4, 1990; Acts 2004, No. 33, §4.

§1846. Management plan

- A. Within one year from the date a river is finally designated as a natural and scenic river, the administrator shall adopt and commence implementation of a management plan for that river which shall conform to the purposes and requirements of this Part. The plan shall be developed by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the plan. The plan shall be in the form of a written document. The administrator shall provide copies of the plan to the division of administration, the Department of Culture, Recreation and Tourism, the Department of Environmental Quality, and the governing authorities of those parishes through which the river flows.
- B. Prior to the adoption of a plan and as part of the process, the administrator shall hold not less than one public hearing to receive comments and recommendations from all interested parties and the public. There shall be at least one public hearing in the vicinity of the natural and scenic river. The administrator shall, not less than thirty days prior to any hearing, publish a notice of the hearing in the official journal of the state and of each parish through which the river flows and notify each parish governing authority by letter to its chief executive officer. The administrator shall give notice to all interested parties, including adjacent landowners.
- C. Each management plan shall be reviewed at least every five years from adoption and may be modified in the same manner and procedure as provided for adopting the original plan.
- D. Notwithstanding the provisions of Subsection A of this Section, the development of the management plan for those natural and scenic rivers designated prior to January 1, 1989, shall be commenced no later than January 1, 1990.

Added by Acts 1970, No. 398, §1; Amended by Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2004, No. 33, §4.

§1847. Natural and scenic rivers

The following rivers or designated segments thereof are hereby designated as being natural and scenic rivers:

- (1) Pushepatapa Creek Washington From where East Fork and West Fork join near state line to where it breaks up prior to its entrance into the Pearl River.
- (2) Bogue Chitto River Washington, St. Tammany From the Louisiana-Mississippi state line to its entrance into the Pearl River Navigation Canal.
- (3) Tchefuncte River and its tributaries Washington, Tangipahoa, St. Tammany From its origin in Tangipahoa Parish to its juncture with the Bogue Falaya River.
- (4) Tangipahoa Tangipahoa From the Louisiana-Mississippi state line to the I-12 crossing.
 - (5) (Blank)
- (6) Tickfaw River St. Helena From the Louisiana-Mississippi state line to La. Hwy. 42.
- (7) Amite River-East Feliciana-From the Louisiana-Mississippi state line to the permanent pool level of the Darlington Reservoir; and from the Darlington Reservoir Dam to La. Hwy. 37; provided that the portion of the Amite River from the Louisiana-Mississippi state line to La. Hwy. 37 shall remain within the Natural and Scenic Rivers System until the issuance of a permit by the U.S. Army Corps of Engineers issued pursuant to 33 U.S.C. 1344 and 33 C.F.R. 232; provided, that if the Darlington Reservoir and dam are not approved and funded no later than September 1, 1997, the portion of the Amite River within the Natural and Scenic Rivers System shall be as follows: From the Louisiana-Mississippi state line to La. Hwy. 37.
- (8) Comite River East Feliciana, East Baton Rouge From the Wilson-Clinton Hwy. in East Feliciana Parish to the entrance of White Bayou in East Baton Rouge Parish.
- (9) Blind River St. James, Ascension, Livingston, St. John From its origin in St. James Parish to its entrance into Lake Maurepas.
- (10) Bayou Des Allemands Lafourche, St. Charles From Lac Des Allemands to Lake Salvador.
- (11) Whiskey Chitto Creek Allen From the Beauregard Parish line to its entrance into the Calcasieu River.
- (12) Six Mile Creek Allen, Vernon Includes the East and West Forks and beginning at the boundary of Fort Polk Military Reservation (Lookout Road) and extending south through Vernon and Allen Parishes to its entrance into Whiskey Chitto Creek.
- (13) Ten Mile Creek Rapides, Allen, Vernon From the boundary of Fort Polk Military Reservation (Lookout Road) through Vernon Parish and all of that portion of said creek lying within the boundaries of Rapides and Allen Parishes.
- (14) Little River Rapides, Grant, Catahoula, LaSalle From the juncture of Dugdemona and Castor Creek to its entrance into Catahoula Lake.
- (15) Big Creek Grant From Hwy. 165 in Grant Parish to its entrance into Little River; provided, however, that, notwithstanding any other law to the contrary, the excluded portion of Big Creek from Hwy. 165 to Hwy. 167 in Grant Parish shall remain within the Natural and Scenic Rivers System until issuance of a permit by the U.S. Army

Corps of Engineers issued pursuant to 33 U.S.C. 1344 and 33 C.F.R. 232; provided that if a reservoir and dam are not approved and funded as to the excluded portion of Big Creek from Hwy. 165 to Hwy. 167 in Grant Parish no later than September 1, 1997, that portion of Big Creek within the Natural and Scenic Rivers System shall be as follows: From Hwy. 167 to its entrance into Little River.

- (16) Fish Creek Grant From its origin near Williama to its entrance into Little River.
- (17) Trout Creek LaSalle From its origin near Hwy. 8 to its entrance into Little River.
- (18) Bayou Bartholomew Morehouse From the Louisiana-Arkansas state line to Dead Bayou.
- (19) Bayou L'Outre Ouachita, Union From the Louisiana-Arkansas state line to its entrance into the Ouachita River.
- (20) Bayou D'Arbonne Union, Ouachita From the Lake D'Arbonne dam to its entrance into the Ouachita River.
- (21) Corney Bayou Claiborne, Union From the Louisiana-Arkansas state line to Corney Lake and Corney Lake Dam to Lake D'Arbonne.
- (22) Middle Fork of Bayou D'Arbonne Claiborne, Union From its origin near La. Hwy. 2 alternate to Lake D'Arbonne. Notwithstanding any other law to the contrary, however, that portion of the bayou located in Sections 19, 20, 21, and 28 of Township 23 North, Range 7 West in Claiborne Parish shall not be a natural and scenic river; provided however, if a reservoir and dam in said portion of the bayou are not approved, funded, and under construction by September 1, 1995, said portion of the bayou shall be a natural and scenic river.
- (23) Saline Bayou Bienville, Winn, Natchitoches From its origin near Arcadia to La. Hwy. 156 in Winn Parish.
- (24) Black Lake Bayou Red River, Winn, Bienville From the Webster-Bienville parish line to Black Lake in Natchitoches Parish.
- (25) Bayou Kisatchie Natchitoches From its entrance into Kisatchie National Forest to its entrance into Old River.
 - (26) Spring Creek Rapides From Otis to Cocodrie Lake in Rapides Parish.
 - (27) Saline Bayou Catahoula, LaSalle From Saline Lake to Larto Lake.
 - (28) Repealed by Acts 1993, No. 109, §1, eff. May 26, 1993.
- (29) Bayou Cocodrie Concordia From Wild Cow Bayou to Little Cross Bayou.
- (30) Bayou Cocodrie Rapides, Evangeline From U.S. Hwy. 167 to the Bayou Boeuf-Cocodrie Diversion Canal.
- (31) West Pearl River Washington, St. Tammany From the state line to its entrance into Lake Borgne.
- (32) Dorcheat (Dauchite) Bayou Webster From the Arkansas state line to its entrance into Lake Bistineau.
- (33) Bayou Trepagnier St. Charles From Norco to where it joins Bayou La Branche.
- (34) Bayou La Branche St. Charles From its source to where it drains into Lake Pontchartrain.

- (35)(a) Calcasieu River Vernon, Rapides From Louisiana Highway 8 east through Vernon Parish and all of that portion of said river lying within the boundaries of Rapides Parish.
- (b) Calcasieu River Allen, Jefferson Davis, and Calcasieu From the mouth of the Whiskey Chitto River in Allen Parish, south through Jefferson Davis Parish, and to its intersection with the Ward Eight Park in Calcasieu Parish.
- (36) Bayou Dupre St. Bernard From the Lake Borgne Canal to Terre Beau Bayou.
- (37) Lake Borgne Canal St. Bernard From the Forty Arpent Canal to Bayou Dupre.
 - (38) Bashman Bayou St. Bernard From its origin to Bayou Dupre.
 - (39) Terre Beau Bayou St. Bernard From Bayou Dupre to the New Canal.
 - (40) Pirogue Bayou St. Bernard From Bayou Dupre to New Canal.
 - (41) Bayou Bienvenue St. Bernard From Bayou Villere to Lake Borgne.
- (42) Bayou Chaperon St. Bernard From its origin to its end, Sections 22, 23 T 13 S, R 13 E.
- (43) Holmes Bayou St. Tammany All of that portion of the bayou lying within the boundaries of St. Tammany Parish.
- (44) Bradley Slough (Bayou) St. Tammany All of that portion of the slough lying within the boundaries of St. Tammany Parish.
- (45) Wilson Slough (Bayou) St. Tammany All of that portion of the slough lying within the boundaries of St. Tammany Parish.
- (46) Morgan River St. Tammany From its juncture with the Porters River to its reentry into the West Pearl River.
- (47) Bayou LaCombe St. Tammany From its head waters to Lake Pontchartrain.
 - (48) Bayou Cane St. Tammany From its head waters to Lake Pontchartrain.
- (49) Tchefuncte River St. Tammany From the Bogue Falaya River to Louisiana Highway No. 22, excluding any tributaries thereto from the Bogue Falaya south to Louisiana Highway No. 22.
- (50) Pearl Creek Vernon From Louisiana Highway III to its entrance into Sabine River.
- (51) Whiskey Chitto Creek Vernon From the boundary of Fort Polk Military Reservation (Lookout Road) to the Vernon-Beauregard Parish line.
- (52) Bogue Falaya River St. Tammany the river from its headwaters to Louisiana Highway 437 in the parish of St. Tammany.
- (53) Ouachita River Morehouse, Union from the north bank of Bayou Bartholomew at its intersection with the Ouachita River to the Arkansas state line.
- (54) Bayou Chinchuba St. Tammany Parish From the West Causeway approach south to Lake Pontchartrain.
- NOTE: Paragraph (55) as enacted by Acts 1997, No. 141, §1, eff. Jan. 1, 1998, if secretary of Dept. of Wildlife and Fisheries recommends to legislature that river be included in the natural and scenic rivers system:
 - (55) Abita River in St. Tammany Parish.
- (56) Tangipahoa River--Tangipahoa Parish--From the Interstate 12 crossing to its entrance into Lake Pontchartrain.

- (57) Tchefuncte River-St. Tammany-from the Highway 22 bridge to Lake Pontchartrain.
 - (58) Ouiska Chitto Creek that portion in Beauregard Parish.
- (59) Barnes Creek from Louisiana Highway 27 to the Calcasieu River in Allen and Beauregard parishes.
- (60) Beckwith Creek from its headwaters to the west fork of the Calcasieu River in Beauregard and Calcasieu parishes.
- (61) Bundicks Creek from its headwaters to Bundicks Lake and from Bundicks Lake to Ouiska Chitto Creek in Vernon, Beauregard, and Allen parishes.
- (62) Hickory Branch from its headwaters to the west fork of the Calcasieu River.
- (63) Drake's Creek Vernon from Lookout Road to its confluence with Ouiska Chitto Creek located within Vernon Parish.

Added by Acts 1970, No. 398, §1. Amended by Acts 1972, No. 352, §1; Acts 1972, No. 590, §1; Acts 1973, No. 85, §1; Acts 1974, No. 146, §1; Acts 1975, No. 213, §1; Acts 1975, No. 655, §1; Acts 1978, No. 333, §1; Acts 1980, No. 592, §1; Acts 1982, No. 263, §1; Acts 1985, No. 606, §2; Acts 1985, No. 237, §1; Acts 1987, No. 792, §1; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 258, §1, eff. July 4, 1990; Acts 1990, No. 310, §1, eff. July 8, 1990; Acts 1990, No. 311, §1, eff. July 8, 1990; Acts 1991, No. 584, §1; Acts 1991, No. 978, §1; Acts 1992, No. 265, §1; Acts 1993, No. 109, §1, eff. May 26, 1993; Acts 1993, No. 1039, §1; Acts 1997, No. 141, §1, eff. Jan. 1, 1998; Acts 1999, No. 491, §1; Acts 1999, No. 823, §1; Acts 2004, No. 175, §1, eff. June 10, 2004; Acts 2008, No. 42, §1, eff. June 5, 2008.

§1848. Planning considerations

- A. In all planning for the use and development of water and water-related land resources, full and equal consideration shall be given by all local, state, and federal agencies to the potential natural and scenic river areas; and all river basin reports and project plans should discuss any such potential and all economic evaluations should consider aesthetic values as well as monetary values.
- B. No agency of the state government shall authorize or concur in plans of local or federal agencies that would detrimentally affect whether, directly or indirectly, a natural or scenic river or upon which the full and equal consideration of the stream's potential as a natural or scenic area with aesthetic values has not been discussed and evaluated.

Added by Acts 1970, No. 398, §1; Acts 1987, No. 606, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1849. Evaluation and permitting

- A. No person shall commence or engage in any activity governed by this Part or any rule pursuant thereto unless a permit is first obtained from the administrator.
- B.(1) Prior to any final decision on an application for a permit for those activities that have the potential for significant ecological degradation, a written evaluation of the application may be prepared by the administrator in consultation with the division of administration, the Department of Environmental Quality, and the Louisiana Department

of Culture, Recreation and Tourism and with the advice of other agencies that the administrator determines may have an interest in the permit.

- (2) The final decision on an application shall be in the form of a written report, shall include any required evaluation, and shall be part of the record of the decision. The report shall include an evaluation of the criteria provided for in this Section. The administrator shall give any required evaluation substantial weight in making the final decision. The administrator shall provide copies of the report with the division of administration, the Department of Environmental Quality, and the Department of Culture, Recreation and Tourism.
- C. The criteria for an evaluation of an application for a permit shall consider the impact the activity may have on the characteristics and qualities of the natural and scenic river, including but not limited to the following:
 - (1) Wilderness qualities
 - (2) Scenic values
 - (3) Ecological regimes
 - (4) Recreation
 - (5) Fish and other aquatic life
 - (6) Wildlife
 - (7) Historical and archaeological
 - (8) Geological
 - (9) Botanical
 - (10) Water quality as determined by the Department of Environmental Quality
 - (11) Cultural
 - (12) Economics
- D. A person who is denied a permit by the department may institute legal proceedings against the department in the Nineteenth Judicial District Court.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2004, No. 33, §4; Acts 2009, No. 365, §1.

§1850. Rules and regulations

- A. The administrator shall have the authority to regulate those activities that may directly and significantly degrade the ecological integrity of a natural and scenic river. The administrator shall adopt rules and regulations pursuant to the Administrative Procedure Act to implement the purposes and requirements of this Part and to regulate uses of a natural and scenic river which may detrimentally affect such natural and scenic river. Specifically, and not in limitation of the foregoing, such rules may regulate the following:
- (1) Crossings by roads, railroads, pipelines, or utilities across any natural and scenic river.
 - (2) Sharing of land and air space by such roads, railroads, and utilities.
- (3) Pollution of waters, with the concurrence of the Department of Environmental Quality.
 - (4) Prospecting, drilling, and mining for natural resources.
 - (5) Structures and buildings.

- (6) Signs or other forms of outdoor advertising that are visible from waters within a natural and scenic river.
 - (7) Piers, boat slips, bulkheads, houseboats, and landings.
 - (8) Uses, activities, and access.
 - (9) Littering.
- B. Permits granted for crossings by pipelines or utilities or the sharing of land or air space by such facilities shall be for the useful life of the facility.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1997, No. 492, §1; Acts 1999, No. 1269, §1, eff. July 12, 1999.

§1851. Penalties and enforcement

- A.(1) The administrator may impose a civil penalty of up to one thousand dollars for each violation of this Part or the rules and regulations adopted under this Part and the administrator may suspend, annul, withdraw, or revoke any permit issued pursuant to this Part for any such violation. Each day on which a violation occurs shall be a separate offense.
- (2) Civil penalties may be assessed and the suspension, annulment, withdrawal, or revocation of a permit may be imposed only by a ruling of the administrator based on an adjudicatory hearing held in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.
- (3) The administrator may institute civil proceedings to enforce his rulings in the district court for the parish in which the violation occurs.
- B. The administrator may issue cease and desist orders, compliance orders, and obtain injunctions or other appropriate relief upon determining that a violation of this Part or rules and regulations adopted under this Part or agreements made pursuant to the provisions of this Part has occurred, is occurring, or is about to occur.
- C. Unless otherwise provided by this Part, intentional violation of the provisions of this Part constitutes a class three violation, subject to the penalties provided in R.S. 56:33; however, there shall be no forfeiture of anything seized in connection with the violation.

Acts 1987, No. 646, §1; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2003, No. 98, §1.

§1852. Privately owned streams; copies of rules

- A. Recognizing that some few of the streams recommended for inclusion as natural and scenic rivers may not be state owned but owned by adjacent landowners, the state legislature encourages riparian owners to grant to the system administrator scenic servitudes and surface servitudes.
- B. Except as provided in R.S. 56:1853 and R.S. 56:1854, no provision of this Part shall restrict the normal activities of landowners within the boundaries of their own property unless a mutual agreement has been entered into with the system administrator.

C. Any interested party, upon written request to the administrator, shall be provided copies of rules then in effect or thereafter adopted by the administrator pursuant to the provisions of this Part.

Added by Acts 1970, No. 398, §1; Acts 1988, No. 947, §1, eff. July 27, 1988.

§1853. Prohibited uses

Channelization, clearing and snagging, channel realignment and reservoir construction of those rivers and streams included within this system are hereby prohibited. Violations of the provisions of this Section constitute a class six violation, R.S. 56:36.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1999, No. 1269, §1, eff. July 12, 1999; Acts 2000, 1st Ex. Sess., No. 54, §2; Acts 2000, 1st Ex. Sess., No. 80, §1.

§1854. Commercial cutting of trees

- A. The cutting or harvesting of timber within one hundred feet of the ordinary low water mark of a natural and scenic or historic and scenic river provided for in this Part is prohibited except as follows:
 - (1) The selective harvesting of trees for commercial purposes is permitted.
 - (2) The cutting of trees for the control of disease or insects is permitted.
- (3) The harvesting of timber for personal use by the person who owns or leases the property is permitted.
- B. When trees are cut or harvested, for any purpose, within one hundred feet of the ordinary low water mark of a natural and scenic or historic and scenic river provided for in this Part, the person who owns or leases the property shall be responsible for removing the tree tops from the river.
- C. A violation of the provisions of this Section constitutes a class two violation, R.S. 56:32.

Acts 1988, No. 947, §1, eff. July 27, 1988.

§1855. Exceptions

- A. Notwithstanding the provisions of R.S. 56:1847(31), nothing contained in this Part shall be construed as repealing, superceding, nullifying, or in any manner whatsoever affecting any power, authority, or jurisdiction which the U.S. Corps of Engineers has over the West Pearl River or Bayou Channel in Pointe Coupee Parish to perform routine maintenance and dredging for navigation and flood control purposes. In addition nothing contained in this Part shall prohibit the Department of Wildlife and Fisheries or the state department having authority over the scenic rivers program from entering into any contract with a private firm to dredge the West Pearl River or Bayou Channel in Pointe Coupee Parish for such purposes.
- B. Notwithstanding the provisions of R.S. 56:1847(47) and (49), nothing contained in this Part shall be construed as repealing, superceding, nullifying, or in any

manner whatsoever affecting any power, authority, or jurisdiction which the U.S. Corps of Engineers has over Bayou LaCombe and the Tchefuncte River to perform routine maintenance and dredging for navigation and flood control purposes.

- C. Nothing in this Part shall be deemed or interpreted to limit, restrict, or repeal any authority granted by law to the Department of Environmental Quality concerning water quality or the Department of Health and Hospitals concerning drinking water quality.
- D. Notwithstanding any other law to the contrary, particularly the provisions of this Part, during the period of July 1, 1990 through July 1, 1991, the Sunset Drainage District of St. Charles Parish may excavate fill material from Petit Lac Des Allemands for the purpose of enlarging the existing levee within the jurisdiction of the said drainage district.
- E. Notwithstanding any other law to the contrary, particularly the provisions of this Part, the Water District No. 3 of Rapides Parish is hereby authorized to repair or replace the Big Creek Dam in Grant Parish.
- F. Notwithstanding the provisions of R.S. 56:1847(8), nothing contained in this Part shall be construed as repealing, superseding, nullifying, or, in any manner whatsoever, affecting any power, authority, or jurisdiction which the U.S. Army Corps of Engineers has over the Comite River to construct the Comite River Diversion Canal and related structures, converging with the waterway near Section 10, Township 5 South, Range 1 East, of the St. Helena Meridian, for the purpose of flood control.
- G. No provision of this Part shall prohibit the construction of a hurricane protection levee and associated drainage and pumping facilities within St. Charles Parish that cross Bayou Trepagnier. To the extent necessary for the construction of such levee, those portions of Bayou Trepagnier within the right of way of the levee and to the south of the levee are not subject to the provisions of this Part.
- H. No provision of this Part shall prohibit any public waterworks district from performing essential repair and maintenance necessary to maintain normal operations at facilities located on an included river or stream, if such facilities were in operation at the time of such river or stream's inclusion into the Natural and Scenic Rivers system.
- I.(1) Notwithstanding other provisions of R.S. 56:1853, snagging operations for drainage purposes in Bayou Chinchuba may be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849. The department shall also consider the impact that the method of snagging and the type of equipment, proposed to be used by the applicant, may have on the natural and scenic characteristics and qualities of the bayou.
- (2) No provision of this Chapter shall prohibit the construction of any bridge across the Bayou Chinchuba.
- (3) Except for the prohibition on channelization and channel realignment provided for by R.S. 56:1853, the provisions of this Chapter shall not apply to those portions of Bayou Chinchuba that flow through lands subject to a conservation easement or servitude with a national or state, nonprofit membership land conservation organization which preserves the natural and scenic characteristics and qualities of the bayou in a manner consistent with the purposes and standards of this Subsection and restricts the harvesting of timber in accordance with the restrictions provided for in R.S. 56:1854.

- (4) Any water quality requirements and water degradation standards pertaining to Bayou Chinchuba which may be required by this Chapter shall not be any more stringent than those which were required for Bayou Chinchuba on January 1, 1993.
- (5) For any portion of Bayou Chinchuba in which the bayou has disbursed and lost its channel, the bayou shall be defined by the department to be no wider than the average width of the bayou that is outside of the portion that has disbursed and lost its channel. In such portions of the bayou, those waters lying outside of the areas defined by the department shall not be considered to be within a natural and scenic river for the purposes of this Chapter.
- J. Notwithstanding other provisions of R.S. 56:1853, snagging and dredging operations for drainage purposes in the Tangipahoa River, from the Interstate 12 crossing to its entrance into Lake Pontchartrain, may be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849. The department shall also consider the impact that the method of snagging and the type of equipment, proposed to be used by the applicant, may have on the natural and scenic characteristics and qualities of the river.
- K. Notwithstanding any provisions of law or administrative rule to the contrary, no provision of this Part shall be applicable to those tracts of land located along the banks of the Tchefuncte River between Louisiana Highway No. 22 and Lake Pontchartrain which possess a commercial zoning classification granted by the appropriate local government zoning authority, nor shall the provisions of this Part be applicable to tracts of land located along the banks of such sections of the Tchefuncte River and situated between and in the same ownership as tracts of land which possess a commercial zoning classification granted by the appropriate local government zoning authority.
- L. No provision of this Part shall prohibit or require a scenic stream permit for any activity performed under an official state and federal remediation and restoration plan developed for Bayou Trepagnier, when such work is required for the removal, treatment, or isolation of contaminated sediments within or adjacent to Bayou Trepagnier.
- M.(1) Notwithstanding the provisions of R.S. 56:1856(B)(2), the department shall permit the construction of flood control projects on Bayou Manchac that include replacing the structures at Alligator Bayou and Frog Bayou; providing a structure for constricting the backwater flow in Bayou Manchac; constructing, elevating, or protecting the road along the south side of Bayou Manchac in the vicinity of and to the west of the Alligator and Frog Bayou water control structures; or any realignment of the lower portion of Ward Creek that flows into Bayou Manchac.
- (2) Notwithstanding other provisions of R.S. 56:1853, snagging and dredging operations for drainage purposes in Bayou Manchac shall be permitted by the department. Any such permit shall be issued in accordance with the requirements and procedures provided for in R.S. 56:1849.
- (3) No provision in this Chapter shall prohibit the construction of any bridge across Bayou Manchac.

Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 1990, No. 310, §2, eff. July 8, 1990; Acts 1990, No. 311, §2, eff. July 8, 1990; Acts 1991, No. 399, §1, eff. July 10, 1991; Acts 1992, No. 190, §1; Acts 1993, No. 437, §1, eff. June 19, 1993; Acts 1993, No. 1039, §1; Acts 1999, No. 491, §1; Acts 1999, No. 823, §1; Acts 1999, No. 1142, §3; Acts 1999, No. 1269, §4; Acts 2000, 1st Ex. Sess., No. 54, §1; Acts 2000, 1st Ex. Sess., No.

80, §1; Acts 2002, 1st Ex. Sess., No. 66, §1; Acts 2004, No. 50, §1, eff. May 21, 2004; Acts 2004, No. 453, §1; Acts 2009, No. 370, §1.

§1856. Historic and scenic rivers

- A. The provisions of this Part shall be applicable to those historic and scenic rivers designated below and full consideration shall be given to the detrimental effect of any proposed action upon the historic and scenic character thereof, as well as the benefits of the proposed use.
 - B. The following are designated as historic and scenic rivers:
 - (1) Bayou St. John within the boundaries of Orleans Parish.
 - (2) Bayou Manchac From the Amite River to the Mississippi River.

Acts 1982, No. 267, §1; Acts 1988, No. 947, §1, eff. July 27, 1988; Acts 2009, No. 370, §1.